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**DATE:** April 27, 2004

**TO:** Office of Petitions - U.S. Patent and Trademark Office

**FROM:** Christopher M. Humphrey

Appl. No.: 09/404,245

Confirmation No.: 8210

Applicant(s): Harris *et al.*

Filed: 09/22/1999

Art Unit: 1771

Examiner: J. Befumo

Title: SPLITTABLE MULTICOMPONENT ELASTOMERIC FIBERS

Dear Sir or Madam:

On November 8, 1999, we filed a Petition to Grant Filing Date in reference to the above-identified U.S. patent application. As of this date, we have not yet received a response. Therefore, attached is a copy of our cancelled check, returned postcard acknowledging Petition received, a copy of the original Petition to Grant Filing Date filed November 8, 1999, and the accompanying documents to that petition. We look forward to receiving your decision soon.

**NO. OF PAGES:**  
(Including cover page)

10

**OPERATOR:** RE 42/ 147 81

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038675/171789

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Tracey S. Wright, ext. 2226

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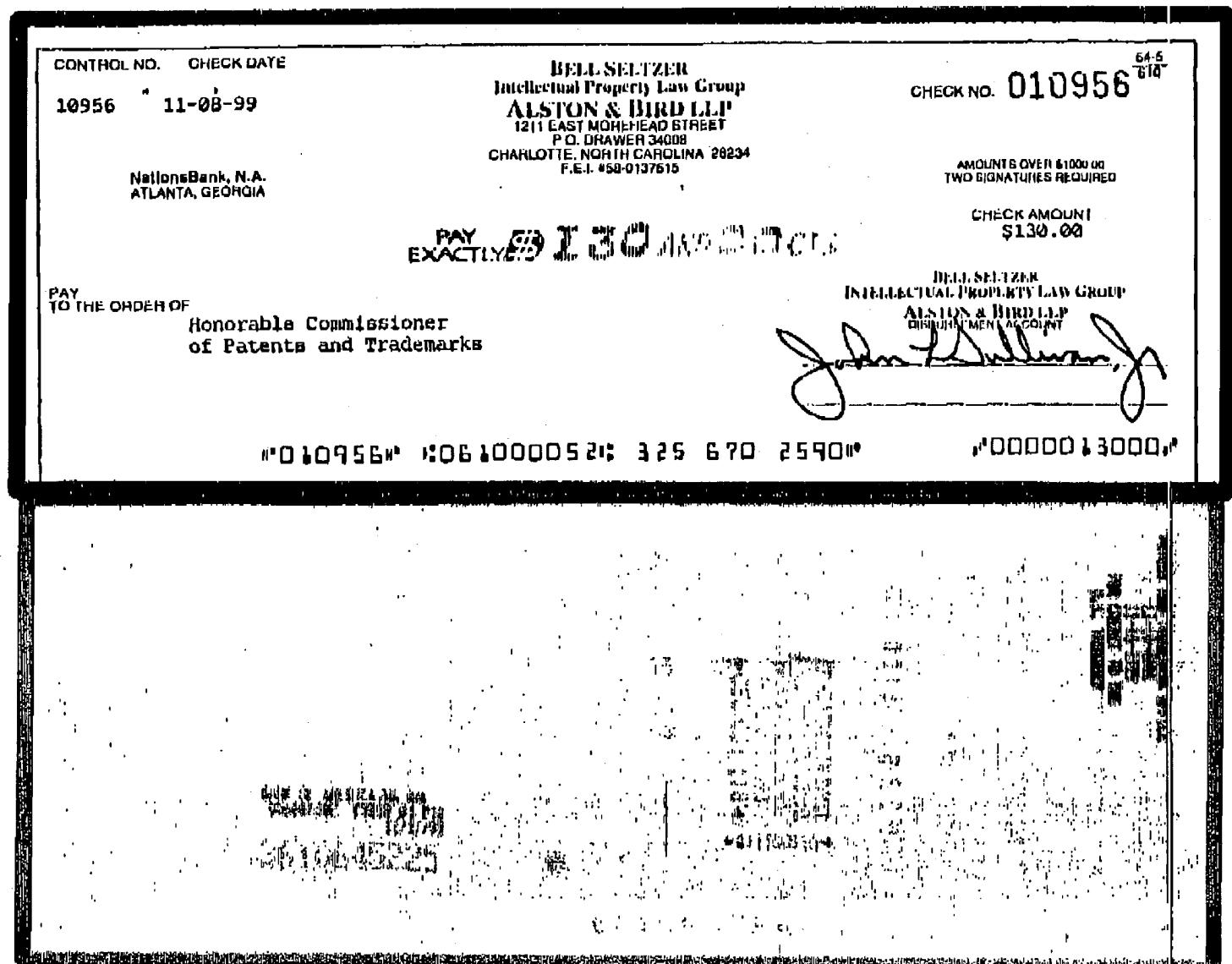
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P. 002

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P. 003

Assistant Commissioner For Patents  
Washington, DC 20231

Date Mailed: 11/08/1999  
Atty. Dkt. No. 8675-5

Application No. 09/404,245; Filing Date 09/21/1999  
Inventor(s): Dugan et al.; Title of Invention: SPLITTABLE  
MULTICOMPONENT ELASTOMERIC FIBERS  
Documents Enclosed: Petition to Grant Filing Date and to Refund Petition Fee

Check Enclosed \$130.00

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APR 27 2004

Attorney's Docket No. 8675-5

PATENT

**OFFICIAL**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Dugan et al.  
Appl. No.: 09/404,245  
Filed: September 21, 1999  
For: SPLITTABLE MULTICOMPONENT  
ELASTOMERIC FIBERS

November 8, 1999

Assistant Commissioner for Patents  
Washington, DC 20231

**PETITION TO GRANT FILING DATE  
And To Refund Petition Fee**

Sir:

As set forth in MPEP §506.02, Applicant hereby petitions to grant the proper filing date of September 21, 1999 rather than September 22, 1999 for the above-identified patent application. The following is enclosed as evidence of September 21, 1999 being the correct filing date under 37 C.F.R. § 1.10:

1. A copy of the Cover Sheet for the Application showing the Express Mail Number; and
2. A copy of the Express Mail Receipt marked by the United States Post Office as being mailed at 17:00 p.m. on September 21, 1999.

A copy of our return post card from the United States Patent Office shows that Applicant was improperly given the filing date of September 22, 1999 instead of September 21, 1999.

There is no error on the part of Applicant. Accordingly, Applicant respectfully requests the granting of September 21, 1999 as the filing date.

A check in the amount of \$130.00 in payment of the petition fee as set forth in 37 CFR §1.17(i) is enclosed herewith. Any additional fee may be charged or any overpayment credited to

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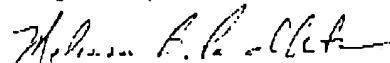
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P. 005

In re: Dugan et al.  
Appl. No.: 09/404,245  
Filing Date: September 21, 1999  
Page 2

our Deposit Account No. 16-0605. Because no defect existed, however, Applicant also respectfully requests refund of the petition fee.

Respectfully submitted,

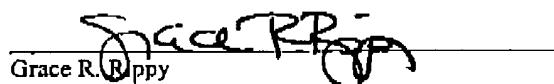


Melissa B. Pendleton  
Registration No. 35,459

**ALSTON & BIRD LLP**  
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Charlotte, NC 28234-4009  
Tel Charlotte Office (704) 331-6000  
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**CERTIFICATE OF MAILING**

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Grace R. Rippy

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.51(b))</small>	Attorney Docket No. 8675-5  First Inventor or Application Identifier: Dugan Title of Invention: SPLITTABLE MULTICOMPONENT ELASTOMERIC FIBERS Express Mail Label No. EL287624104US
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ADDRESS TO: ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Jeffrey S. Dugan

1.  The filing fee has been calculated as shown below:  
(Submit an original, and a duplicate for fee processing)

	No. Filed	No. Extra	Small Entity Rate	Large Entity Rate	Fee
<b>BASIC FEE</b>			\$380		\$0
TOTAL CLAIMS: 62 - 20 =	42		X 9 = \$378	x 18 = \$0	
INDEP CLAIMS: 11 - 3 =	8		X 19 = \$312	x 78 = \$0	
[ <input type="checkbox"/> ] MULTIPLE DEPENDENT CLAIMS PRESENTED			+130 = \$	+260 = \$	
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			<b>TOTAL \$ 1070</b>	<b>TOTAL \$</b>	

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.

a.  Fees required under 37 CFR 1.16 (National filing fees).  
 b.  Fees required under 37 CFR 1.17 (National application processing fees).  
 A check in the amount of \$ \_\_\_ is enclosed.  
 The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.  
 2.  Specification; Total Pages 34  
 3.  3 Sheets of Formal Drawing(s) (35 USC 113)

4.  Declaration and Power of Attorney; Total Pages \_\_\_\_\_  
a.  Newly executed (original or copy)  
b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 16 completed)*  
i.  DELETION OF INVENTOR(S) Signed statement  
attached deleting inventor(s) named in the prior  
application, see 37 CFR 1.63(d)(2) & 1.33(b).

5.  Microfiche Computer Program (Appendix)

6.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
a.  Computer Readable Copy  
b.  Paper Copy (identical to computer copy)  
c.  Statement verifying identity of above copies

## **ACCOMPANYING APPLICATION PARTS**

7.  Assignment Papers (cover sheet & document(s) (including \$40.00 fee)

8.  37 CFR 3.73(b) Statement (*when there is an assignee*);  Power of Attorney

9.  English Translation Document (*if applicable*)

10.  Information Disclosure Statement (IDS)/PTO-1449; \_\_\_ Copies of IDS Citations

11.  Preliminary Amendment

12.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)

13.  Small Entity Statement(s)  
 Statement filed in prior application; status still proper and desired.

14.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)  
Foreign Priority is

15.  Other:

16. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment:

Continuation     Divisional     Continuation in Part (CIP)  
of prior application No: ;

Prior Application Information: Examiner \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

(Utility Patent Application Transmittal) Page 2 of 3

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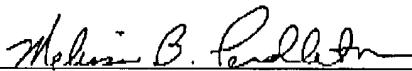
P. 008

17. CORRESPONDENCE ADDRESS

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Attention Of: Melissa B. Pendleton

Signature:



Attorney of Record: Melissa B. Pendleton

Attorney Registration No. 35,459

Tel Charlotte Office (704) 331-6000

Fax Charlotte Office (704) 334-2014

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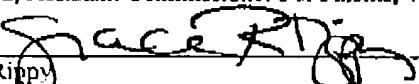
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Grace R. Rippy

(Utility Patent Application Transmittal) Page 3 of 3

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Atty. Dkt. No. 8675-5  
Kindly acknowledge receipt of the accompanying **UTILITY PATENT**  
**APPLICATION** with Application Transmittal Cover Sheet for:  
Inventor(s): Dugan; Title of Invention: **SPLITTABLE MULTICOMPONENT**  
**ELASTOMERIC FIBERS**  
Pages of Specification (including claims and abstract) 34; No. of Claims 62  
No. of Drawing Sheets 3; Declaration Enclosed        (       pages)  
Small Entity Statement Enclosed         
IDS with PTO 1449 Enclosed       ; (No. of 1449 Cites Enclosed       )  
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